
TITLE 327 WATER POLLUTION CONTROL BOARD

NOTICE OF READOPTION
IC 13-14-9.5 FIRST NOTICE OF COMMENT PERIOD
LSA Document #08-766

READOPTED OF RULES IN TITLE 327 UNDER IC 13-14-9.5

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on the readoption of 327 IAC 11 under IC 13-14-9.5.

RULES TO BE READOPTED: 327 IAC 11-1; 327 IAC 11-2.

The foregoing rules are identified by name as follows:

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|---------------------|--|
| <u>327 IAC 11-1</u> | Environmental Assessment; Activities of State Agencies |
| <u>327 IAC 11-2</u> | Environmental Impact Statement; Activities of State Agencies |

RULES TO EXPIRE: None.

AUTHORITY: IC 13-14-9.5.

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

IC 13-14-9.5 provides for the expiration and readoption of administrative rules. A rule that was adopted under a provision of IC 13 and was in force on December 31, 1995, expires not later than January 1, 2002. All rules adopted after that date under IC 13-14-9, expire on January 1 of the seventh year after the year in which each rule takes effect. The rules listed to be readopted have an expiration date of January 1, 2009.

Under IC 13-14-9.5-4, the department or board that has rulemaking authority under Title 13 may readopt all rules subject to expiration under one rule that lists all rules that are readopted by their titles and subtitles only. If no comments are received during this first comment period, IDEM may submit the rule for filing with the Publisher under IC 4-22-2-35 and publish notice in the Indiana Register that the agency has readopted the rule.

Rules at 327 IAC 11-1 and 327 IAC 11-2 were to expire on January 1, 2008, but, by Executive Order #07-22, issued December 28, 2007 (Executive Order #07-22, posted at [20080116-IR-GOV080004EOA](#)), the expiration date of the rules was extended to January 1, 2009. A rulemaking under IC 13-14-9 was initiated on April 2, 2008, with the Notice of First Comment Period (DIN: [20080402-IR-327080210FNA](#)) to develop amendments to the rules at 327 IAC 11-1 and 327 IAC 11-2. A second notice with suggested amendments to these rules will be published shortly in the Indiana Register.

This readoption rulemaking will serve to preserve 327 IAC 11-1 and 327 IAC 11-2 as they currently exist, which will allow time for the ongoing rulemaking on these rules under IC 13-14-9 (LSA Document #08-210) to proceed without the expiration of Article 11.

STATUTORY AND REGULATORY REQUIREMENTS

IC 13-14-9.5-4 requires that the following procedure be followed to readopt rules:

- (1) A notice listing all rules to be readopted by their titles and subtitles shall be submitted to Legislative Services Agency for publication in the Indiana Register.
- (2) If a person submits a written request and a basis for the request during the first comment period that a particular rule be readopted separately from the readoption rule that readopts all rules in one rulemaking, the agency must:
 - (A) readopt that rule separately from the readoption rule; and
 - (B) follow the procedure for adoption of administrative rules under IC 13-14-9 with respect to that rule.
- (3) If no written request is provided within the first comment period, the agency may submit the rule for filing with the Publisher under IC 4-22-2-35 and publish notice in the Indiana Register that the agency has readopted the rule.

REQUEST FOR PUBLIC COMMENTS

IDEM requests that any written comments requesting that a rule be readopted separately from this readoption rule include a basis for the request. IDEM also solicits comment on rules exempt from readoption and rules to expire. Mailed comments should be addressed to:

LSA Document #08-766 (2008 Readoption of 327 IAC 11)

MaryAnn Stevens
Rules Section
Office of Water Quality
Indiana Department of Environmental Management
100 North Senate Avenue
MC 65-40
Indianapolis, Indiana 46204-2251

Hand delivered comments will be accepted by the IDEM receptionist on duty at the twelfth floor reception desk, Office of Water Quality, Indiana Government Center-North, 100 North Senate Avenue, Room N1255, Indianapolis, Indiana. Comments also may be submitted by facsimile to (317) 232-8406. Please confirm the timely receipt of faxed comments by calling the Office of Water Quality, Rules Section at (317) 233-8903, Monday through Friday, between 8:15 a.m. and 4:45 p.m. Please note it is not necessary to follow a faxed comment letter with another sent through the postal system.

COMMENT PERIOD DEADLINE

Comments must be postmarked, hand delivered, or faxed by November 14, 2008.

Additional information regarding this rulemaking action may be obtained from MaryAnn Stevens, Rules Section, Office of Water Quality, (317) 232-8635 or (800) 451-6027 (in Indiana).

Bruno Pigott
Assistant Commissioner
Office of Water Quality

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